

MEETING LOCATION: Richins Building



REGULAR SESSION AGENDA of the SUMMIT COUNTY COUNCIL

Wednesday, November 17, 2010, at the Sheldon Richins Building, 1885 W. Ute Blvd, Park City, UT 84098

Please note alternate meeting location

All times listed are general in nature and are subject to change by the Council Chair

12:00 p.m. Closed Session - litigation

1:00 p.m. Work Session *Public comment may or may not be accepted*

- Review of Council mail, calendar, and minutes
- Review & Discussion of Wildland Fire District finances; Kevin Callahan, Public Works Administrator (30 minutes)
- Review and Discussion of Proposed Amendments to Chapter 2 of the Summit County Code regarding Boards and Commissions; Chief Deputy Attorney, Dave Thomas (2 hours)

Convene as the Board of Equalization

- Consideration of approval of Stipulations
- Assessor Errors and Omissions

3:30 p.m. Dismiss as the Board of Equalization and convene as the Summit County Council

Regular Session Consideration of Approvals

- Pledge of Allegiance
- **Ordinance #749**, Recodification Of Summit County Code, Title 2, Chapter 9 (Mountain Regional Water Special Service District Administrative Control Board), Chapter 21 (Snyderville Basin Special Recreation District), Chapter 24 (Park City Fire Service District); Chief Deputy Attorney, Dave Thomas
- **Resolution 2010-18**, Acting As The Governing Authority Of The Snyderville Basin Special Recreation District, Summit County, Utah (The "Issuer") Authorizing The Issuance And Sale By The Issuer Of Not More Than \$20,000,000 Aggregate Principal Amount Of General Obligation Recreation Bonds, Series 2010; Fixing The Maximum Aggregate Principal Amount Of The Bonds, The Maximum Number Of Years Over Which The Bonds May Mature, The Maximum Interest Rate Which The Bonds May Bear, And The Maximum Discount From Par At Which The Bonds May Be Sold; Providing For The Publication Of A Notice Of Bonds To Be Issued; Providing For The Running Of A Contest Period; And Related Matters
- Amended County Manager Contract; Brian Bellamy, Personnel Director
- Approval of Minutes: October 20, 2010
- Manager's report
- Council comments and questions

4:30 p.m. Presentation from Miller Business Association

5:00 p.m. Meeting of the Council of Governments (COG)

6:00 p.m. Public Input

Individuals with questions, comments, or needing special accommodations pursuant to the Americans with Disabilities Act regarding this meeting may contact Karen Brostrom, at 336-3025, 615-3025, 783-4351 x3025.

Distribution: A

Posted: November 12, 2010

Next Regular Meeting: December 1, 2010, at the County Courthouse (*November 24, 2010 meeting CANCELLED*)

Summit County Council

P.O. Box 128
60 North Main
Coalville, UT 84017
(435) 336-3025

kbrostrom@co.summit.ut.us
www.summitcounty.org

Memo

Date: November 17, 2010
To: County Council
From: Kevin Callahan, Public Works Administrator
Subject: Wildland Fire Program Funding

Background

There are three structural fire districts within Summit County (Park City, North Summit and South Summit). In 1981, the County Commission established a wildland district to provide wildland fire suppression for areas outside of these structural fire districts. The resolution which established the district is attached.

Much of the wildland district now includes developed areas such as Tollgate, Browns Canyon, upper Weber Canyon and the high Uintas which lie outside these districts. In total there are over 3,500 properties that are taxed within the wildland fire district, many of which have been developed. The assessed values of properties within the district total \$457,000,000. The tax rate for wildland fire services is set at 0.000007% of the property's assessed value. To staff's knowledge the rate has not been changed substantially since its adoption. As a comparison, this rate is one sixth of what is charged countywide for mosquito abatement services. As an example, a property with an assessed value of \$321,000 within the district would pay an annual wildland fire assessment of \$2.25. Annually, this tax rate generates about \$3,200 of funding for wildland fire suppression. Historically these revenues have been transferred to the County's emergency fund and have not been used to fund annual operating expenses. Resolution 81-08 which is attached, established the Wildland Fire District. According to that resolution, the intention for the district was to levy a tax sufficient to pay for fire suppression services needed to protect properties within the district. However, the funding provided by this tax has never been sufficient to accomplish this objective. The annual revenues from this fund have been treated as surpluses to the wildland fire fund, which now has approximately \$60,000.

For many years, Summit County has used general fund revenues to fund the wildland fire reduction program. In 2010, the County's adopted fire warden budget was \$343,495. In that budget, \$40,451 was set aside to fund estimated annual fire suppression costs. In 2011, that budget line item (suppression) is estimated to drop to about \$21,000. The suppression budget amount is a seven year average of the actual costs of wildland fire fighting. The formula takes the seven year's suppression costs, toss out the highest and lowest years and average the remaining five years. The vast majority of the County's fire-fighting costs incurred within the wildland fire district. In 2010 property owners within the district were assessed for only 7% of the estimated annual cost of fighting wildland fires. (\$3,200 of \$46,600)

In 2011, the budget committee has recommended reducing the fire warden budget to about \$80,000. The main reason for this dramatic reduction is the recommendation that we no longer make a payment to the state fire insurance fund. In 2010, we budgeted \$250,000 for County participation in that fund on the understanding that the State would impose a maximum cap of \$250,000 on county payments. The state legislature failed to act on a bill to set the cap so the County did not make this payment.

Policy Alternatives

Summit County has funded wildland fire suppression from general fund resources for many years. We have also accumulated surplus funds to be used of fire suppression costs for a major fire. Now, it appears that the County Council may wish to modify the wildland fire district tax rate to better fund annual services and restore an adequate fund balance, Under the current program with the state, once Summit County has expended its annual suppression fund, the costs of other fires on private property are shared equally with the State Division of Forestry. The Council needs to provide staff with direction on two issues:

1. What portion of the annual wildland fire budget should be funded directly by taxpayers within the wildland fire district?
2. What level of surplus funding should the County have in its wildland fire fund to cover the County's costs of a major wildland fire?

Annual Wildland Fire Budget

Assuming that the 2011 wildland fire budget of \$80,000 represents the new benchmark for the program, staff needs direction on how the budget will be funded. To that end, staff has prepared a range of alternatives for your consideration. These alternatives proceed from the following assumptions:

Alternative A Wildland Tax Payers Should Fund the Annual Suppression Budget

Under this alternative, the tax rate would be set to fund the annual average suppression fund. In 2011, this amount is projected to be about \$22,000. If the Council were to choose this objective, you would increase the current tax rate by a factor of 7 to approximately 0.000049. Based on the 3,500 properties within the district, this rate would be sufficient to fund the annual suppression program. Under this alternative a property assessed at \$320,000 would pay \$15.75 for annual fire suppression services. As a comparison, a similarly valued property would pay about \$13.44 yearly for mosquito abatement services.

Alternative B Wildland District Pays Half of Operating Costs

The proposed 2011 fire warden operating budget is approximately \$82,000. In reviewing the budget, staff determined it would be reasonable to assign half of the program's total services to district taxpayers. Therefore, if district property owners funded half of the annual budget (\$41,000), the Council would increase the tax rate by a factor of 12.8 to 0.000896. Based on the 3,500 properties within the district, this rate would be sufficient to fund half of the annual wildland fire budget. Under this alternative a \$320,000 assessed property would pay about \$29 annually for all wildland services. Based on the 3,500 properties within the district, this rate would be sufficient to fund the annual suppression program and support services.

Alternative C Adjust Wildland Tax Rate to Cover Half of Annual Operating Fund a Surplus

Another option would be to have the wildland taxing district support an increase in the wildland fire set aside in addition to a share of the annual operating costs. If the Council supports this alternative, staff would recommend establishing a levy that would raise about \$68,000 annually based on the spread sheet attached. This would increase the current tax rate about 21 times above the current rate. Under this rate structure a property assessed at \$320,000 would pay about \$48 annually for wildland fire protection. The primary benefit to this alternative is that it would provide funding to provide a higher level of service in the event of a major wildland fire. This rate of funding would be about half of what a similar property would pay in the South Summit Fire District. A property assessed at \$320,000 would pay \$96 a year in South Summit and about \$180 a year in North Summit.

Emergency Fund Levels

Prior to 2010, the County had accumulated an emergency fund on the order of \$1,000,000. As a part of balancing the 2009 budget, the Council agreed to transfer about \$800,000 of this funding to the general fund to correct a deficit. This funding is set aside for any potential emergency (flooding, fire, earthquake etc). The policy question is should a portion of the annual wildland fire assessment be used to supplement the \$60,000 remaining in the County's designated wildland fire fund. Currently, that \$60,000 would be capable of supporting a \$120,000 wildland fire on private property because under our current agreement with the State, they would fund half of those costs. Staff feels that this level of funding is insufficient to provide for the County's long term protection. Our recommendation would be to increase the tax rate within the district as proposed under Alternative C. This would allow the wildland fire fund to grow to approximately \$200,000 within the next five years while funding half of the fire service's annual operating costs.

Conclusion

If Council chooses to pursue one of these alternatives to modify the wildland fire tax rate you are required to follow the noticing procedures of Utah's Truth in Taxation law. You will have to place public notice in our papers of general circulation twice prior to the public hearing which cannot be held any sooner than 7 days after the last public notice. The truth in taxation hearing should be held in conjunction with the annual budget adoption hearing. The Council budget adoption is scheduled for Wednesday December 15. If the Council wishes to consider a revision to the wildland fire tax rate, staff needs direction at this meeting or at your next meeting in order to begin these required public notice procedures.

Attachments:

Resolution 81-08

PROPOSED FIVE YEAR WILDLAND FIRE CAPITAL BUDGET

Items	2011 Budget	2012 Budget	2013 Budget	2014 Budget	2015 Budget
Brush Jackets (12)	\$1,500				
Brush Pants (12)	\$2,000				
Fire Shelters (12)	\$3,400				
Misc. Safety	\$ 500				
Hoses/Adaptors	\$ 700				
Resupply caches	\$3,000				
Equipment upgrades	<u>\$5,000</u>				
Equipment repairs		\$5,000			
Head lamps (12)		\$1,500			
Portable pumps					
Hose replacements					
Vehicle replacement fund			\$5,000	\$5,000	\$5,000
Chipper replacement fund		\$15,000	\$15,000	\$15,000	\$15,000
Estimated Total	\$18,000	\$21,500	\$20,000	\$20,000	\$20,000

Auditor

Blake Frazier

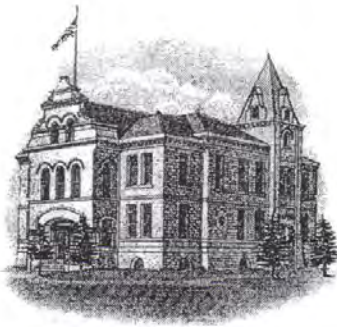


November 03, 2010

County Council;

As the Clerk for the Board of Equalization I am requesting that yu review and consider approving the stipulations for the weeks of Nov. 1st and Nov. 8th. The spreadsheet will be e-mailed to you on the afternoon of Nov.15, 2010.

Kathryn Rockhill
BOE Clerk



1909
SUMMIT COUNTY COURT HOUSE



Barbara J. Kresser
Assessor

TO: Summit County Council

FROM: Barbara J. Kresser *B.K.*
Summit County Assessor

DATE: November 03, 2010

RE: Errors and Omissions

PI-C-20-AM #473748 District 48

James Williams

Scott Gagon

4570 S 300 W

Salt Lake City, UT 84107

Parcels PI-C-19 and PI-C-20 were combined but put on the 2010 assessment roll in error.

PI-C-20-AM should be entered on the 2011 roll and lots 19 and 20 left on the 2010 roll.

Delete PI-C-20-AM and dead head \$2644.00 in taxes.

NPSWAN-1 #448450 District 10

Swaner Memorial Park Foundation

1258 Center Dr.

Park City, UT 84098-7977

This is the Swaner Eco-Center (Building). Application for Property Tax Exemption was received in a timely manner; but put on hold while determination on another appeal was being waited from the Tax Commission. Property taxes for 2009 and 2010 along with penalty and interest should be waived and no further assessment will be made.

BEC-1-1AM #271423 District 07

Margaret Roach

V. Eric Roach

P O Box 3958

Park City, UT 84060

Should be primary residence. Evidence presented indicating application for the exemption and other steps were done but not followed through by the Assessor's office. 2010 property taxes should be \$19,251.04 with a market value of \$3,911,700.

Application for Property Tax Exemption

County Board of Equalization

UCA §59-2-1101 and 1102
Form PT-020
PT-020.ai Rev. 10/99

This application should be used to apply for exemption from ad valorem (value-based) property tax.

Nonprofit Entity Information

Name of organization applying

Swaner EcoCenter / Swaner Memorial Park

EIN, SSN, or other tax ID number

EIN 87-0518315

Address

1258 Center Drive

Tax year

2010

City

Park City, UT 84098

State

UT

Zip

84098

Contact person

Sally Tauber or Nell Larsen

Telephone

435-649-1767 ex 104

Exemption Information

This property is exclusively used for (check one):

☐ Religious purposes

☒ Charitable purposes

☒ Educational purposes and Land Conservation

☐ Other (specify) _____

Describe the purpose of this nonprofit organization:

To Preserve the Land and the ^{human} connection to the natural landscape, to educate the local and broader communities about the value of nature and to nurture both the ecosystem and the people connected with it.

Describe why this property should be exempt from ad valorem property taxes:

A non-profit 501(c)(3) organization. We have now been gifted to Utah State University, another 501(c)(3) organization. Please see attached. Our building is used primarily for educational purposes.

Attachments Attach the following documentation:

1. A certified copy of the Articles of Incorporation of the nonprofit entity.
2. A copy of current by-laws and/or other organizational information.
3. A copy of the 501(c)(3) certification issued by the IRS.
4. Completed schedules as follows:
 - Schedule A - Real Property; one schedule for each parcel of real property under consideration.
 - Schedule B - Personal Property used exclusively for religious, charitable, or educational purposes.
 - Schedule C - Financial information related to the property under consideration; complete only applicable portions.

Application for Exemption – Real Property Schedule A

UCA §59-2-1101 and 1102
Form PT-020A
PT-020a.al Rev. 10/99

Complete a separate Schedule A for each parcel of real property under consideration

Property Owner

Full name of the owner of record

Swaner Memorial Park Foundation DBA

EIN, SSN, or other tax ID number

87-058315

Address
Swaner Memorial Park

1258 Center Dr.

Telephone

435-649-1767 ext 104

City
Park City, UT

84098

State

UT

Zip

84098

Property Information and Description

Property Location

NE Corner of Sec 19, T15 R4E

Property parcel number

ND Swan-1

Brief description of parcel

Part of Newpark Subdivision, Part of
Parcel NPKK-RP Adjacent to Swaner Nature Preserve Plus attached

Date the property was acquired

6/28/2007

Acreage:

.71

☒ Actual

☐ Approximate

List separately and describe each building or physical structure on the property

on this building Swaner EcoCenter is located. It is primarily used for education and teaching purposes. All other attached parcels have no enclosed buildings (we have been gifted to Utah State University)

Use of Property

1. Complete this first question separately for each building or structure, use additional sheets as necessary.

a. Building or structure Primarily for field trips for children and adult education

b. Activities or functions this building or structure is used for Lectures, environmental films, movies, field trips, speakers, receptions, classes, admin office

c. Percentage of building or structure used for this purpose 100%

d. Approximate hours per month building or structure is used for this purpose 180

e. Date use for this purpose began January 15, 2009

2. Have all activities/functions listed in 1 continued without interruption since first starting? ☒ Yes ☐ No

If no, explain any interim or non-use:

3. Is there any use of the property, buildings or structures other than described in 1 above? ☒ Yes ☐ No

If yes, describe: Periodic space rental to outside parties

4. Is all or part of the property, buildings or structures rented or leased? ☒ Yes ☐ No

If yes, answer the following.

a. Name of person or entity renting or leasing the property Norwegian Outdoor Exploration Center

b. Describe the portion that is rented or leased Small office holds 2 desks

c. Amount of rent or other compensation received \$1,000.00 / month

d. How is the rent or compensation determined? Square footage

Attachments Attach the following items:

1. A copy of the legal description of the real property under consideration.
2. A current photograph of the real property under consideration.

EcoCenter Public hrs

Application for Exemption – Personal Property Schedule B

UCA §59-2-1101 and 1102
Form PT-020B
PT-020b1.ai Rev. 10/99

Property Owner

Property owner

Swaner Memorial Park DBA Nature Preserve

EIN, SSN, or other tax ID number

87-0518315

Address

1258 Center Drive

Telephone

435-649-1767 ext 104

City

Park City UT 84098

State

Zip

Property Information and Description

Property Location

NE Corner of Sec. 19, T1S R4E in Swaner EcoCenter

Personal property account number (if any)

Briefly describe the personal property under consideration for exemption

Swaner EcoCenter

List the original acquisition cost and year acquired.

Furniture and fixtures

Commercial and industrial equipment

Mobile homes

Other personal property

Estimated current value for items with unknown acquisition cost

Year Acquired	Acquisition Cost
	\$
	\$
	\$
	\$
	\$

List all motor vehicles under consideration for exemption, including passenger cars, trucks and vans; motorcycles; campers, motor homes, travel trailers and other RVs; boats and watercraft; aircraft; and medium or heavy duty trucks.

License Plate No.	Type of Vehicle	Year	Make	Model	VIN/HIN	Location
	Truck					

Use of Property

1. Is the personal property used at a given parcel of real property?

☒ Yes ☐ No

If yes, indicate the property parcel number or address:

NE Corner of Sec. 19 T1S R4E

If no, where is the property usually located?

2. Describe in detail all activities and functions that the property is used for, and the date the use began.

Beginning Jan. 2009 we have had open hours of our EcoCenter and Nature Preserve activities such as snow shoeing, environmental films, field trips for 1,400 children per year, lectures, classes, Receptions

3. Have all activities and functions in 2 continued without interruption since the use began?

☒ Yes ☐ No

If no, explain any interim or non use:

(continued on reverse)

**RECODIFICATION OF SUMMIT COUNTY CODE, TITLE 2
SUMMIT COUNTY, STATE OF UTAH
ORDINANCE NO. _____**

PREAMBLE

WHEREAS, the Summit County Code has codified in book form only fourteen (14) of the forty (40) boards and commissions that have been created by resolution and ordinance in Summit County; and,

WHEREAS, there is a desire to place the organizational structure and powers of all the boards and commissions in one central location through the re-codification of Title 2 of the Summit County Code; and,

WHEREAS, there is a need to make amendments to the existing boards and commissions in Title 2 of the Summit County Code in order to make their organization structure and powers more uniform and consistent with current state law; and,

WHEREAS, the following boards and commissions have been created through ordinance or resolution on the dates cited below, but have not been included in Title 2 of the Summit County Code:

Summit County Senior Citizen Services- May 2000
Summit County Recreation, Arts and Parks Advisory Committee – November 2001
South Summit Cemetery Maintenance District – May 24, 1949
Hoytsville Cemetery Maintenance District – November 29, 1983
Wanship Cemetery Maintenance District – December 5, 1978
Snyderville Basin Open Space Advisory Committee – May 2, 2002
Snyderville Basin Special Recreation Service District – October 8, 1996
Peoa Recreation Special Service District – May 11, 1998
Snyderville Basin Water Reclamation District – December 5, 1973
Park City Fire Service District – May 29, 1984
North Summit Fire Service District – June 16, 1976
South Summit Fire Protection District – July 7, 1952
Summit County Service Area #3 – November 9, 1982
Summit County Service Area #5 – April 9, 1975
Summit County Service Area #6 – September 20, 1977
Summit County Service Area #8 – October 26, 1982
Kimball Area Transportation Special Service District – December 18, 2000
Summit County Boundary Commission – May 8, 2000
Echo Creek Ranches Special Service District – December 14, 1988
Eastern Summit Co Agriculture Preservation and Open Space Comm – January 19, 2005
Eastern Summit County Water Advisory Committee – September 19, 2006
Summit County Wildland Fire Service Area – September 29, 1981
Summit County Historical Society – March 19, 1991
Timberline Special Service District – July 25, 1995

Special Service District #1 – July 19, 1989
Restaurant Tax Advisory Committee - June 1992
Summit County Emergency Medical Services Board – January 8, 2001

NOW, THEREFORE, the Summit County Council ordains as follows:

Section 1: Re-codification

Title 2 of the Summit County Code is hereby re-codified and published in book form at Exhibit A hereto.

Section 2: Publication

The county legislative body herewith finds that for the immediate preservation of the peace, health and safety of the County and the inhabitants thereof, this Ordinance shall be effective immediately upon publication in a newspaper having general circulation within Summit County.

**APPROVED, ADOPTED, AND PASSED and ordered published by the
Summit County Council, this ____ day of _____, 2010.**

ATTEST:

**SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, STATE OF UTAH**

**Kent Jones
County Clerk**

By: _____
Chairperson McMullin

Councilperson Ure **voted: _____**

Councilperson Elliott **voted: _____**

Councilperson Robinson **voted: _____**

Councilperson McMullin **voted: _____**

Councilperson Hanrahan **voted: _____**

APPROVED AS TO FORM

**David L. Thomas
Chief Civil Deputy**

EXHIBIT A

Chapter 9

MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD

2-9-1: DEFINITIONS:

BOARD: The mountain regional water special service district administrative control board.

COUNTY: Summit County, Utah.

COUNTY COUNCIL: The legislative body of Summit County.

DISTRICT: The mountain regional water special service district.

GOVERNING BOARD: The Summit County ~~C~~council, otherwise referred to as the "council".

OWNERS: The owners of property within the boundaries of the mountain regional water special service district. (Ord. 710, 12-17-2008, eff. 1-1-2009))

2-9-2: ESTABLISHED:

There is hereby established an administrative control board known as the "mountain regional water special service district administrative control board", which shall be a board whose members are appointed by the County Council. The County Council hereby retains the authority to remove any or all board members with or without cause at the unfettered discretion of the council. (Ord. 710, 12-17-2008, eff. 1-1-2009)

2-9-3: AUTHORITY AND DUTIES:

The board shall ~~have the following authority and duties:~~

~~A. To provide a recommendation to the County Council on each annual budget of the district to provide for water services.~~

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B. ~~To~~ exercise all powers and duties enumerated in UCA § 17D-1-103, with the following exceptions which are expressly reserved pursuant to UCA § 17D-1-301(4)(a) by the County Council as the governing board:

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1. ~~Utah Code Annotated 17A-2-1314(1)(e);~~
2. ~~Utah Code Annotated 17A-2-1314(1)(d);~~
3. ~~Utah Code Annotated 17A-2-1314(1)(e);~~
4. ~~Utah Code Annotated 17A-2-1314(1)(f);~~
5. ~~Utah Code Annotated 17A-2-1314(1)(g);~~
6. ~~Utah Code Annotated 17A-2-1314(1)(h);~~ except the County Council reserves the power to hire and fire the general manager;
2. the exercise of eminent domain (UCA § 17D-1-103(2)(a));
3. the power to employ one or more officers, employees, or agents, and establish their compensation, including fringe benefits, and manage a human resources or personnel system separate from the county (UCA § 17D-1-103(2)(j));
4. the power to borrow money and incur indebtedness, including the issuance of bonds (UCA § 17D-1-103(2)(m) and (n); UCA § 17D-1-301(3)(d) and UCA § 17D-1-301(3)(e));
5. the power to annex areas into the district (UCA § 17D-1-301(3)(a));
7. the power to levy a tax or assessment (UCA § 17D-1-301(3)(c) and UCA § 17D-1-301(3)(f));
8. the power to appoint a board of equalization (UCA § 17D-1-301(3)(h));
9. the power to approve the annual budget;
10. the power to direct litigation; and
11. the power to adopt by-laws.

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~~7. Utah Code Annotated 17A-2-1314(1)(i);~~

~~However, as to the specific powers provided for in Utah Code Annotated 17A-2-1314(1)(a) and (b), 17A-2-1316, 17A-2-1320, 17A-2-1321, 17A-2-1322 and 17A-2-1326(5)(b), the County Council expressly reserves said powers.~~

~~C. To provide a recommendation to the council as to the establishment and collection of the fees and charges for the various water services provided to the owner with the fee schedules reviewed and approved by the council.~~

~~D. To provide a recommendation to the council as to eminent domain, litigation strategy, bonding, property taxes, and bylaws. (Ord. 710, 12-17-2008, eff. 1-1-2009)~~

2-9-4: POLICIES, PROCEDURES, REGULATIONS:

A. The board may adopt policies and procedures, and regulations, including personnel, procurement, and fiscal management procedures, for the district. All collections, investments, disbursements, procurements, and other financial transactions will be managed by the district treasurer within the district financial system and will be subject to the policies as adopted. The district may utilize the services of the county treasurer and auditor to assist in financial matters.

B. Pursuant to Utah Code Annotated 17A-2-1314(1)(g), the district may utilize the services of the county attorney on a contract basis. (Ord. 710, 12-17-2008, eff. 1-1-2009)

2-9-5: COMPOSITION:

A. The board will be comprised of no more than seven (7) persons and no fewer than five (5) persons who must be electors of the district, as that term is defined in state law.

B. The members of the board shall be appointed by the County Council. Compensation of the board members shall be set, from time to time, by resolution of the council. Each board member may serve a maximum of three (3) terms.

C. The term of office for each board member shall be four (4) years with the first officers serving staggered terms of two (2) or four (4) years. In the event a member is unable to complete a term on the board, the council shall appoint an elector of the district to complete the unexpired term.

D. The board shall elect a chairman and vice chairman. The district general manager shall be the secretary and clerk to the board, and the district chief financial officer shall be the treasurer to the board. (Ord. 710, 12-17-2008, eff. 1-1-2009)

2-9-6: TRANSACTING BUSINESS:

For purposes of advising the County Council and transacting the business of the district, the board may meet and confer, adopt recommendations and convey them to the council verbally or in writing, make decisions regarding district matters, or it may meet with the council or any of its members to discuss service development and delivery proposals. The board may establish committees for the purpose of investigating preferred or potential methods of service development and delivery. (Ord. 710, 12-17-2008, eff. 1-1-2009)

2-9-7: BUDGET:

It shall be the duty of the board and general manager to prepare an annual budget for the mountain regional water special service district which will conform to the uniform fiscal procedures act for special districts, and recommend the budget so prepared to the County Council. The budget shall demonstrate all proposed expenditures and the fees to be established and collected as revenue to the district's budget. (Ord. 710, 12-17-2008, eff. 1-1-2009)

2-9-8: BYLAWS; MEETINGS:

The board shall conduct its business according to the bylaws adopted by the County CouncilCounty Council, with board meetings as needed to act on the business of the district. The bylaws may be amended from time to time by the councilCounty Council. (Ord. 710, 12-17-2008, eff. 1-1-2009)

2-9-9: INDEMNIFICATION:

A. The mountain regional water special service district shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil or criminal, administrative or investigative, by reason of the fact that he or she is or was the general manager, a director, officer, employee, or agent of the

district. The indemnification shall be for all expenses (including attorney fees), judgments, fines, and amount paid in settlement, actually and reasonably incurred by him or her in connection with the action, suit, or proceeding, including any appeal of the action, suit or proceeding, if he or she acted in good faith or in a manner he or she reasonably believed to be in or not opposed to the best interests of the district, and with respect to any criminal action or proceeding, if he or she had no reasonable cause to believe the conduct was unlawful.

B. Determination of any action, suit, or proceeding by judgment, order, settlement, conviction or on a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the party did not meet the applicable standard of conduct. Indemnification under this section may be paid by the district in advance of the final disposition of any action, suit, or proceeding, on a preliminary determination that the director, officer, employee, or agent met the application standard of conduct and on receipt of an undertaking by or on behalf of the general manager, a director, officer, employee, or agent to repay the amount, unless it is ultimately determined that he or she is entitled to be indemnified by the district as authorized in this section.

C. The district shall also indemnify any director, officer, employee, or agent who has been successful on the merits or otherwise, in defense of any action, suit, or proceeding, or in defense of any claim, issue, or matter in the action, suit, or proceeding, against all expenses, including attorney fees, actually and reasonably incurred, without the necessity of an independent determination that the general manager, a director, officer, employee, or agent met any appropriate standard of conduct.

D. The indemnification provided for in this section shall continue as to any person who has ceased to be the general manager, a director, officer, employee, or agent, and shall inure to the benefit of the heirs, executors, and administrators of that person. (Ord. 710, 12-17-2008, eff. 1-1-2009)

2-9-10: INSURANCE:

The district shall have power to purchase and maintain insurance on behalf of any person who is the general manager, a director, officer, employee, or agent of the district against any liability asserted against him or her and incurred by him or her in any such capacity, or arising out of his or her status as such, whether or not the district would have authority to indemnify him or her against the liability

under the provisions of this chapter, or under law. (Ord. 710, 12-17-2008, eff. 1-1-2009)

2-9-11: GOVERNING AUTHORITY:

The Summit County Council, as the governing authority of the county, has control and supervisory authority over all activities of the district and may delegate such further powers and authority as provided by statute.

A. The County Council hereby delegates the following powers, authorities, and duties to a general manager:

1. To govern the day to day operations of the district, including the authorization to cosign checks and other disbursements on behalf of the district;
2. To prepare, in cooperation with the board, an annual budget for the district in accordance with section 2-9-7 of this chapter;
3. To provide a recommendation to the board as to the manner and method of administering the provision of water services, including ~~the employment of appropriate personnel~~, contracts for services, the purchase or lease of land, the purchase, lease or construction of improvements, facilities, water rights, systems, equipment, and supplies;
4. To provide a recommendation to the board as to the operation of the district and such other usual and necessary actions required for the operation of the district; and
5. To receive recommendations from the board as to day to day operations of the district and any such other recommendations as the board may see fit to provide to the general manager.

B. The County Council hereby delegates the following powers, authorities, and duties to a district clerk:

1. To record and safeguard all minutes of meetings of the board;
2. Shall act as the secretary of the district.

C. The County Council hereby delegates the following powers, authorities, and duties to the district treasurer:

1. To cosign all checks and other disbursements on behalf of the district.
2. To provide a recommendation to the board regarding the collection of revenues, disbursement of funds for expenses, and the custody of funds that comply with state law and sound accounting controls.

D. The chair of the board shall have the power and authority to convene meetings in accordance with the Utah open and public meetings act and conduct such business as is necessary to fulfill the duties of the board. (Ord. 710, 12-17-2008, eff. 1-1-2009)

Chapter 21

SNYDERVILLE BASIN SPECIAL RECREATION SERVICE DISTRICT

2-21-1: PURPOSE: To provide for the public health, safety, and general welfare of the residents living within the jurisdictional boundaries of Snyderville Basin Special Recreation District, the district is authorized to provide recreational services and programs through facilities or systems acquired or constructed for that purpose through construction, purchase, lease, contract, gift or condemnation or any combination thereof.

2-21-2: DEFINITIONS:

BOARD: The Snyderville Basin Special Recreation Service District administrative control board.

BOARD MEMBER: The members of the Snyderville Basin Special Recreation Service District administrative control board.

COUNTY: Summit County, Utah.

COUNTY COUNCIL: ~~COUNTY COUNCIL~~ The Summit ~~County council~~ County Council who exercises legislative authority in the county.

MANAGER: The chief executive officer of the district.

DISTRICT: The Snyderville Basin Special Recreation Service District.

GOVERNING BOARD: The Summit ~~County council~~ County Council, otherwise referred to as the "~~county council~~ County Council".

2-21-3: ESTABLISHED:

There is hereby established an administrative control board known as "Snyderville Basin Special Recreation Service District Administrative Control Board", which shall govern, in accordance with state law, the affairs of the Snyderville Basin Special Recreation Service District.

2-21-4: MEMBERSHIP:

The membership of the administrative control board of the district shall consist of no more than seven (7) persons and no fewer than five (5) persons~~seven (7)~~

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~~persons and no fewer than five (5) persons seven (7) members~~, all of whom shall be appointed by the ~~county council~~County Council pursuant to the procedures set forth in Utah Code Annotated section 17B-1-301 et seq., "board of trustees," each of whom shall be a registered voter within the district. Each term shall be for four (4) years. Each board member may serve a maximum of three (3) terms.

Vacancies of the ~~five (5) to~~ seven (7) appointed members of said board, other than by expiration of term, shall be filled by appointment by the governing board for the unexpired term of the board member whose vacancy is filled. At the end of a board member's term, the position is considered vacant and the ~~county council~~County Council may either reappoint the old board member or appoint a new member after following the appointment procedures under Utah law. The ~~county council~~County Council may remove any board member for cause at any time after a hearing by two-thirds ($\frac{2}{3}$) vote of the ~~county council~~County Council.

2-21-5: POWERS AND DUTIES:

A. The board shall ~~exercise~~ all powers and duties enumerated in UCA § 17D-1-103, with the following exceptions which are expressly reserved pursuant to UCA § 17D-1-301(4)(a) by the ~~county council~~County Council as the governing board:

1. the exercise of eminent domain (UCA § 17D-1-103(2)(a));
2. the power to employ one or more officers, employees, or agents, and establish their compensation, including fringe benefits, and manage a human resources or personnel system separate from the county (UCA § 17D-1-103(2)(j));
3. the power to borrow money and incur indebtedness, including the issuance of bonds (UCA § 17D-1-103(2)(m) and (n); UCA § 17D-1-301(3)(d) and UCA § 17D-1-301(3)(e));
4. the power to annex areas into the district (UCA § 17D-1-301(3)(a));
5. the power to levy a tax or assessment (UCA § 17D-1-301(3)(c) and UCA § 17D-1-301(3)(f));
6. the power to appoint a board of equalization (UCA § 17D-1-301(3)(h)); and,
7. the power to adopt by laws.
8. the power to acquire real or personal property, including water and water rights, whether by purchase, lease, gift, devise, bequest, or otherwise, and whether the property is located inside or outside the special service district, and

own, hold, improve, use, finance, or otherwise deal in and with the property or property rights.

B. The board shall prepare an annual budget for the Snyderville Basin Special Recreation Service District which will conform to Utah Code Annotated section 17B-1-601 et seq., "fiscal procedures for local district" and approve it. The budget shall demonstrate all proposed expenditures and the fees to be established and collected as revenue to the district's budget.

C. The board shall conduct its business according to bylaws, which it shall by adopted by the County Council~~County Council~~adopt, with the board meeting as needed to act on the business of the district. The bylaws may be amended from time to time by a majority vote of the County Council~~County Council~~board after having provided an advance copy to the county manager.

D. The board shall elect a chair and vice chair.

E. For purposes of advising the ~~county council~~County Council and transacting the business of the district, the board may meet and confer, adopt recommendations and convey them to the ~~county council~~County Council verbally or in writing, make decisions regarding district matters, or it may meet with the ~~county council~~County Council.

F. The district shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil or criminal, administrative or investigative, by reason of the fact that he or she is or was the director, officer, employee, or agent of the district. The indemnification shall be for all expenses (including attorney fees), judgments, fines, and amount paid in settlement, actually and reasonably incurred by him or her in connection with the action, suit, or proceeding, including any appeal of the action, suit or proceeding, if he or she acted in good faith or in a manner he or she reasonably believed to be in or not opposed to the best interests of the district, and with respect to any criminal action or proceeding, if he or she had no reasonable cause to believe the conduct was unlawful. Determination of any action, suit, or proceeding by judgment, order, settlement, conviction or on a plea of nolo contendere or its

equivalent, shall not, of itself, create a presumption that the party did not meet the applicable standard of conduct. Indemnification under this subsection may be paid by the district in advance of the final disposition of any action, suit, or proceeding, on a preliminary determination that the director, officer, employee, or agent met the applicable standard of conduct and on receipt of an undertaking by or on behalf of a director, officer, employee, or agent to repay the amount, unless it is ultimately determined that he or she is entitled to be indemnified by the district as authorized in this subsection. The district shall also indemnify any director, officer, employee, or agent who has been successful on the merits or otherwise, in defense of any action, suit, or proceeding, or in defense of any claim, issue, or matter in the action, suit, or proceeding, against all expenses, including attorney fees, actually and reasonably incurred, without the necessity of an independent determination that a director, officer, employee, or agent met any appropriate standard of conduct.

The indemnification provided for in this subsection shall continue as to any person who has ceased to be a director, officer, employee, or agent, and shall inure to the benefit of the heirs, executors, and administrators of that person.

G. The district shall have power to purchase and maintain insurance on behalf of any person who is a director, officer, employee, or agent of the district against any liability asserted against him or her and incurred by him or her in any such capacity, or arising out of his or her status as such, whether or not the district would have authority to indemnify him or her against the liability under the provisions of this section, or under law.

H. The ~~county council~~ County Council, as the governing authority of the county, has control and supervisory authority over all activities of the district and may delegate such further powers and authority as provided by statute.

I. The board shall appoint a general manager for the district, who shall have the duties described in section 2-21-6 of this chapter.

J. The board, with the guidance of the general manager, shall adopt policies, procedures, and regulations for the district.

K. The district shall make an annual presentation to the ~~County Council~~ County Council of its goals, budget and activities.

- ~~goals, budget and activities.~~

2-21-6: GENERAL MANAGER:

The governing board hereby delegates the following powers, authorities and duties to a general manager, who shall oversee the district:

- A. To govern the day to day operations of the district;
- B. To prepare, in cooperation with the governing board, an annual budget for the district, which will conform to Utah Code Annotated section 17B-1-601 et seq., "fiscal procedures for local district." The budget shall demonstrate all proposed expenditures and the fees to be established and collected as revenue to the district's budget;
- C. To provide a recommendation to the board as to the operation of the district, including policies, procedures, and regulations for the district;
- D. To provide a recommendation to the board as to the establishment and collection of the fees and charges.
- E. To record and safeguard all minutes of meetings and actions of the board in accordance with the Utah Open Meetings Act, which includes the appropriate noticing of all meetings.

Chapter 24

PARK CITY FIRE SERVICE DISTRICT

2-24-1: PURPOSE: To provide for the public health, safety, and general welfare of the residents living within the jurisdictional boundaries of Park City Fire Service District, the district is authorized to provide fire protection services through facilities or systems acquired or constructed for that purpose through construction, purchase, lease, contract, gift or condemnation or any combination thereof.

2-24-2: DEFINITIONS:

BOARD: The administrative control board of the Park City Fire Service District.

BOARD MEMBER: The members of the administrative control board of the Park City Fire Service District.

COUNTY: Summit County, Utah.

~~COUNTY COUNCIL~~ COUNTY COUNCIL: The Summit ~~County council~~ County Council who exercises legislative authority in the county.

MANAGER: The chief of the Park City Fire Service District who serves as its executive officer.

DISTRICT: The Park City Fire Service District.

GOVERNING BOARD: The Summit ~~County council~~ County Council, otherwise referred to as the "~~county council~~ County Council".

2-24-3: ESTABLISHED:

There is hereby established an administrative control board known as "Park City Fire Service District Administrative Control Board", which shall govern, in accordance with state law, the affairs of the Park City Fire Service District.

2-24-4: MEMBERSHIP:

The membership of the administrative control board shall consist of no more than seven (7) persons and no fewer than five (5) persons ~~five (5) members, four of whom shall be appointed by the county council~~ County Council ~~and~~ one of whom

shall be appointed by the Park City Council and the remainder shall be appointed by the ~~county council~~County Council (together, the "appointing authorities") pursuant to the procedures set forth in Utah Code Annotated section 17B-1-301 et seq., "board of trustees," each of whom shall be a registered voter within the district. Each term shall be for four (4) years. Each board member may serve a maximum of three (3) terms.

Vacancies of the five (5) to seven (7) appointed members of said board, other than by expiration of term, shall be filled by appointment by the appropriate appointing authority for the unexpired term of the board member whose vacancy is filled. At the end of a board member's term, the position is considered vacant and the appropriate appointing authority may either reappoint the old board member or appoint a new member after following the appointment procedures under Utah law. The appropriate appointing authority may remove a board member for cause at any time after a hearing by two-thirds ($\frac{2}{3}$) vote of the appointing authority.

2-24-5: POWERS AND DUTIES:

A. The board shall exercise all powers and duties enumerated in UCA § 17D-1-103, with the following exceptions which are expressly reserved pursuant to UCA § 17D-1-301(4)(a) by the ~~county council~~County Council as the governing board:

1. the exercise of eminent domain (UCA § 17D-1-103(2)(a));
2. the power to employ one or more officers, employees, or agents, and establish their compensation, including fringe benefits, and manage a human resources or personnel system separate from the county (UCA § 17D-1-103(2)(j));
3. the power to borrow money and incur indebtedness, including the issuance of bonds (UCA § 17D-1-103(2)(m) and (n); UCA § 17D-1-301(3)(d) and UCA § 17D-1-301(3)(e));
4. the power to annex areas into the district (UCA § 17D-1-301(3)(a));
5. the power to levy a tax or assessment (UCA § 17D-1-301(3)(c) and UCA § 17D-1-301(3)(f));
6. the power to appoint a board of equalization (UCA § 17D-1-301(3)(h)); and,
7. the power to adopt by laws.

- B. The board shall prepare an annual budget for the Park City Fire Service District which will conform to Utah Code Annotated section 17B-1-601 et seq., "fiscal procedures for local district" and ~~approved it~~~~recommend the budget so prepared to the county council~~County Council. The budget shall demonstrate all proposed expenditures and the fees to be established and collected as revenue to the district's budget.
- C. The board shall conduct its business according to bylaws, which ~~shall be adopted by the County Council~~County Council~~it shall adopt~~, with the board meeting as needed to act on the business of the district. The bylaws may be amended from time to time by a majority vote of the ~~County Council~~County Council~~board after having provided an advance copy to the county manager~~County Manager.
- D. The board shall elect a chair and vice chair.
- E. For purposes of advising the ~~county council~~County Council and transacting the business of the district, the board may meet and confer, adopt recommendations and convey them to the ~~county council~~County Council verbally or in writing, make decisions regarding district matters, or it may meet with the ~~county council~~County Council.
- F. The district shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil or criminal, administrative or investigative, by reason of the fact that he or she is or was the director, officer, employee, or agent of the district. The indemnification shall be for all expenses (including attorney fees), judgments, fines, and amount paid in settlement, actually and reasonably incurred by him or her in connection with the action, suit, or proceeding, including any appeal of the action, suit or proceeding, if he or she acted in good faith or in a manner he or she reasonably believed to be in or not opposed to the best interests of the district, and with respect to any criminal action or proceeding, if he or she had no reasonable cause to believe the conduct was unlawful. Determination of any action, suit, or proceeding by judgment, order, settlement, conviction or on a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the party did not meet the applicable standard of conduct. Indemnification under this subsection may be paid by the district in advance of the final disposition of any action, suit, or proceeding, on a preliminary determination that the director, officer, employee, or agent met the applicable standard of conduct and on receipt of an undertaking by or on behalf of a director, officer, employee, or agent to repay the amount, unless it is ultimately determined that he or she is entitled to be indemnified by the district as authorized in this subsection. The district shall also indemnify any director, officer, employee, or agent who has been successful on the merits or otherwise, in defense of any action, suit, or proceeding, or in defense of any claim, issue, or matter in the action, suit, or

proceeding, against all expenses, including attorney fees, actually and reasonably incurred, without the necessity of an independent determination that a director, officer, employee, or agent met any appropriate standard of conduct.

The indemnification provided for in this subsection shall continue as to any person who has ceased to be a director, officer, employee, or agent, and shall inure to the benefit of the heirs, executors, and administrators of that person.

- G. The district shall have power to purchase and maintain insurance on behalf of any person who is a director, officer, employee, or agent of the district against any liability asserted against him or her and incurred by him or her in any such capacity, or arising out of his or her status as such, whether or not the district would have authority to indemnify him or her against the liability under the provisions of this section, or under law.
- H. The ~~county council~~ County Council, as the governing authority of the county, has control and supervisory authority over all activities of the district and may delegate such further powers and authority as provided by statute.
- I. The board shall appoint a general manager for the district, who shall have the duties described in section 2-24-6 of this chapter.
- J. The board, with the guidance of the general manager, shall adopt policies, procedures, and regulations for the district.
- K. The district shall make an annual presentation to the ~~County Council~~ County Council of its goals, budget and activities.

2-24-6: GENERAL MANAGER:

The governing board hereby delegates the following powers, authorities and duties to a general manager ("Fire Chief"), who shall oversee the district:

- A. To govern the day to day operations of the district;
- B. To prepare, in cooperation with the governing board, an annual budget for the district, which will conform to Utah Code Annotated section 17B-1-601 et

seq., "fiscal procedures for local district." The budget shall demonstrate all proposed expenditures and the fees to be established and collected as revenue to the district's budget;

- C. To provide a recommendation to the board as to the operation of the district, including policies, procedures, and regulations for the district;
- D. To provide a recommendation to the board as to the establishment and collection of the fees and charges.
- E. To record and safeguard all minutes of meetings and actions of the board in accordance with the Utah Open Meetings Act, which includes the appropriate noticing of all meetings.

Tuesday, November 09, 2010

Mr. Robert Jasper
Summit County Manager
60 N. Main Street
Coalville, UT 84017

Re: Request for Funds for a New Business Resource Center for Summit County

Dear Mr. Jasper:

This proposal is for the addition of a business resource center for and in Summit County administered by the Miller Business Resource Center at Salt Lake Community College.

Salt Lake Community College requests matching funding from Summit County in the amount of \$25,000 to share with Salt Lake Community College and possibly Park City for the immediate wage needs (total one year \$50,000) of a part-time director of the newly established Park City Business Resource Center.

About the Business Resource Center

The Salt Lake Community College through its Miller Business Resource Center in partnership with Zion's Bank is establishing a Summit County business resource center that will serve the County business community with assistance in business development needs. Services typical of a Utah business resource center include:

- One-on-one small business and new business counseling including business planning, identifying sources of capital, pro-bono professional counseling, business mentoring, etc.;
- Access to and/or information regarding State and Federal business resources such as grant opportunities, export assistance, government procurement, business training, and other resources;
- Business and training classes such as business plan writing, customer service certification, State tax requirements, licensing, fees and reporting requirements, forming a legal entity, etc.;
- Introductions to relevant business contacts for business and a business liaison connecting business and government entities.

There is also opportunity to leverage College and other entity resources such as United Way to offer training programs to the Summit County residents including hospitality services certification and work-related sustainability certification as driven by the needs of the County community.

Salt Lake Community College is targeting a mid-November hire of a part time director for the Park City Business Resource Center, to be located Zions Bank, 1100 Snow Creek Dr., Park City. The College is contributing \$15,000 toward director wages and seeks additional funding to meet a first year annual wage requirement of \$50,000.

The College is also targeting additional follow-on wage and expenses funding opportunities through a Community Development Block Grant proposal, due December 2nd (awards made in July 2011), and a USDA Rural Business Enterprise Grant (estimated award timing Spring 2011). A Park City Council meeting is scheduled for November 18th to formally request \$10,000 in economic development funding specifically for the Business Resource Center.

Salt Lake Community College has experience in facilitating positive economic impact. In the 2009-10 fiscal year the Miller Business Development Center positive economic impact totaled

over \$23 million in capital formation and sales increase for Salt Lake County. Jobs created and saved through the Center totaled 401 for the same period. Other partners in the Miller Business Resource Center created further job and economic impact that is in addition to the sales, capital formation and jobs data of the business development center.

My office is fully committed toward assisting the County in its business resource needs and I look forward to a favorable partnership with the County. We look forward to attending the November 17th Council Meeting and presenting any information you recommend as regards the business resource center plan. Please let me know if there are specific needs you may have for our presentation at that time.

Should any matter regarding the proposed resource center need further discussion please contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Rex Falkenrath", written in a cursive style.

Rex Falkenrath

Director, Salt Lake Small Business Development Center and Miller Business Innovation Center

801.957.5279

rex.falkenrath@slcc.edu

Copy to: Anita Lewis, Jeff Chance

SUMMIT COUNTY COUNCIL OF GOVERNMENTS (COG)

Quarterly Meeting

Wednesday, November 17, 2010, 5:00 PM

Sheldon D. Richins Building, Auditorium

1885 W. Ute. Blvd. (formerly 6505 N. Landmark Dr.)

AGENDA

All times listed are general in nature and are subject to change by the Chair.

ITEMS

1. Presentation of the [Art Crossing Project](#) by Summit County Public Art Advisory Board.
-Kathy Hunter and Lola Beatlebrox, Summit County Public Art Advisory Board
2. Presentation of Matt Weller, President of Allwest Communications.
3. Presentation by [Swaner Eco Center and Utah State University](#) of a proposal concerning academic offerings for Summit County.
-Martha Archuleta, Vice Dean, Utah State University Distance Education
-Annette Herman Harder, Executive Director, Swaner Eco Center
4. Discussion of [Mosquito Abatement](#).
5. Approval of Minutes: August 25, 2010
6. Council items
7. Next meeting
8. Adjourn

Individuals with questions, comments, or needing special accommodations pursuant to the Americans with Disabilities Act regarding this meeting may contact Susan Ovard, Community Development Department, (435) 336-3126.

Posted: November 12, 2010